

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: City Utility Commission, Henderson, Kentucky
Mailing Address: P. O. Box 8, Henderson, Kentucky 42420

is authorized to operate an electric power generating plant

Source Name: Municipal Power & Light- Station One Generating Plant
Mailing Address: P. O. Box 8, Henderson, Kentucky 42420
Source Location: 100 Fifth Street, Henderson, Kentucky 42420

Permit Type: Federally-Enforceable
Review Type: Title V
Permit Number: V-97-013
Application
Complete Date: January 19, 1996
Log Number: E192
KYEIS ID #: 077-1760-0012
AFS Plant ID #: 21-101-00012
SIC Code: 4911

Region: Evansville-Owensboro-Henderson
County: Henderson

Issuance Date: May 20, 1998
Expiration Date: May 20, 2003

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on January 19, 1996, the Kentucky Division for Air Quality hereby authorizes the operation of the processing and air pollution control equipment described herein in accordance with the terms and conditions of this permit. This proposed permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to Regulation 401 KAR 50:035, Section 21(3).

The permittee shall not construct, reconstruct, or modify any emission units without having first submitted a complete application to the permitting authority and received a permit for the planned activity, except as provided in this permit or in Regulation 401 KAR 50:035.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Division or any other federal, state, or local agency.

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. However, these provisions do not shield the source from violations of the applicable requirements being established and documented through other credible evidence, nor does it relieve the source from its obligation to comply with the underlying emission limits or other applicable requirements being monitored.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Emissions Unit: 01 (Unit 5) Indirect Heat Exchanger

Description:

Spreader stoker, coal-fired unit equipped with mechanical collectors
Wood along with few gallons of fuel oil is used for startup
Maximum continuous rating: 174 MMBTU/hour
Construction commenced: 1955

Applicable Regulations:

Regulation 401 KAR 61:015, Existing indirect heat exchangers applicable to an emission unit with a capacity less than 250 MMBTU per hour and commenced before April 9, 1972; and
Regulation No. 7, Prevention and control of emissions of particulate matter from combustion of fuel in indirect heat exchangers.

1. Operating Limitations:

None

2. Emission Limitations:

a) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, particulate emissions shall not exceed 0.4 lb/MMBTU based on a three-hour average.

The permittee may assure continuing compliance with the particulate emission standard by operating the affected facility and associated control equipment such that the opacity reading by Reference Method 9 does not exceed the upper limit of the indicator range developed from Reference Method 9 readings during stack tests. If five (5) percent of Reference Method 9 results conducted in a calendar quarter show excursions from the indicator range, the permittee shall contact the Division within thirty (30) days after the end of the quarter to schedule a stack test to demonstrate compliance with the particulate standard while operating at the conditions which resulted in the excursions. The Division may waive this testing requirement upon a demonstration that the cause of the excursions has been corrected, or may require stack tests at any time pursuant to Regulation 401 KAR 50:045, Performance tests.

b) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, emissions shall not exceed 40 percent opacity based on a six-minute average except that a maximum of 60 percent opacity is allowed for a period or aggregate of periods not more than six minutes in any sixty minutes during cleaning the firebox or blowing soot.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 6.0 lbs/MMBTU based on a twenty-four-hour average.

The permittee may assure compliance with the sulfur dioxide allowable standard by calculating sulfur dioxide emissions using following equation:

$$\text{Emission (lb/mmBTU)} = [\text{AP-42 emission factor (38S lb/ton)} / \text{Heating value of fuel from fuel analysis (mmBTU/ton)}]$$

3. Testing Requirements:

a) The permittee shall conduct at least one performance test for particulates within six months following the issuance of this permit. The upper limit of the indicator range shall be developed from the Reference Method 9 readings during the stack tests.

b) If no additional stack tests are performed pursuant to Condition 2. a) above, the permittee shall conduct one performance test for particulate emissions within the third year of the term of this permit to demonstrate compliance with the allowable standard.

c) When the unit will be in operation, the permittee shall read, weather permitting, the opacity of emissions from the stack using Reference Method 9 once per daylight shift.

4. Specific Monitoring Requirements:

a) Pursuant to Regulation 401 KAR 61:015, Section 6(6), monitoring of operations for sulfur dioxide emissions shall be conducted by daily sampling and weekly analysis of composite samples of the representative fuel to be burned.

b) In accordance with Regulation 401 KAR 61:015, Section 6(1), the sulfur content of solid fuels, as burned shall be determined in accordance with methods specified by the Division.

c) In accordance with Regulation 401 KAR 61:015, Section 6(3), the rate of each fuel burned shall be measured daily and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. The average electrical output, and the minimum and maximum hourly generation rate shall be measured and recorded daily.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Record Keeping requirements:

a) All records shall be kept in accordance with Regulation 401 KAR 61:015, Section 6, with the exception that the records shall be maintained for a period of five (5) years.

b) The permittee shall maintain records of the Reference Method 9 results, the number of excursions above the indicator range, time and date of excursions, opacity value of the excursions, and percentage of the opacity readings showing excursions from the indicator range in each calendar quarter.

c) The permittee shall maintain the results of all compliance tests.

6. Specific Reporting Requirements:

The permittee shall report the number of excursions above the indicator range, date and time of excursions, opacity value of the excursions, and percentage of the opacity readings showing excursions from the indicator range in each calendar quarter.

7. Specific Control Equipment Operating Conditions:

a) The mechanical collectors shall be operated as necessary to maintain compliance with the permitted emission limitations, in accordance with the manufacturer's specifications and / or good engineering practices.

b) Records regarding the maintenance of the control equipment shall be maintained.

c) See Section E for further requirements.

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

None

10. Compliance Schedule:

None

11. Compliance Certification Requirements:

See Section F.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 02 (Unit 6) Indirect Heat Exchanger

Description:

Spreader stoker with fly-ash reinjection, coal-fired unit equipped with mechanical collectors and electrostatic precipitator

Wood along with few gallons of fuel oil is used for startup

Maximum continuous rating: 390 MMBTU/hour

Construction commenced: 1968

Applicable Regulations:

Regulation 401 KAR 61:015, Existing indirect heat exchangers applicable to an emission unit with a capacity of more than 250 MMBTU per hour and commenced before August 17, 1971; and Regulation No. 7, Prevention and control of emissions of particulate matter from combustion of fuel in indirect heat exchangers.

1. Operating Limitations:

None

2. Emission Limitations:

a) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, particulate emissions shall not exceed 0.4 lb/MMBTU based on a three-hour average.

The permittee may assure continuing compliance with the particulate emission standard by operating the affected facility and associated control equipment such that the opacity does not exceed the upper limit of the indicator range developed from COM data collected during stack tests. If five (5) percent of COM data (based on a three-hour rolling average) recorded in a calendar quarter show excursions from the indicator range, the permittee shall contact the Division within thirty (30) days after the end of the quarter to schedule a stack test to demonstrate compliance with the particulate standard while operating at the conditions which resulted in the excursions. The Division may waive this testing requirement upon a demonstration that the cause of the excursions has been corrected, or may require stack tests at any time pursuant to Regulation 401 KAR 50:045, Performance tests.

b) Pursuant to Regulation 401 KAR 61:015, Section 4(4), and Regulation No. 7, emissions shall not exceed 40 percent opacity based on a six-minute average except that a maximum of 60 percent opacity is allowed for a period or aggregate of periods not more than six minutes in any sixty minutes during cleaning the firebox or blowing soot.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

c) Pursuant to Regulation 401 KAR 61:015, Section 5(1), sulfur dioxide emissions shall not exceed 6.0 lbs/MMBTU based on a twenty-four-hour average.

3. Testing Requirements:

a) The permittee shall conduct at least one performance test for particulates within six months following the issuance of this permit. The upper limit of the indicator range shall be developed from the COM data collected during the stack tests.

b) If no additional stack tests are performed pursuant to Condition 2. a) above, the permittee shall conduct one performance test for particulate emissions within the third year of the term of this permit to demonstrate compliance with the allowable standard.

4. Specific Monitoring Requirements:

a) Pursuant to Regulation 401 KAR 61:015, Section 6 (6), monitoring of operations for sulfur dioxide emissions shall be conducted by the use of data collected by the continuous emission monitoring system operated pursuant to 40 CFR Part 75 .

b) In accordance with Regulation 401 KAR 61:015, Section 6 (1), the sulfur content of solid fuels, as burned shall be determined in accordance with methods specified by the Division.

c) In accordance with Regulation 401 KAR 61:015, Section 6 (3), the rate of each fuel burned shall be measured daily and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. The average electrical output, and the minimum and maximum hourly generation rate shall be measured and recorded daily.

5. Specific Record Keeping requirements:

a) The permittee shall keep the records in accordance with Regulation 401 KAR 61:015, Section 6, with the exception that the records shall be maintained for a period of five (5) years.

b) The permittee shall maintain records of the COM data on a three-hour rolling average basis, the number of excursions above the indicator range, time and date of excursions, opacity value of the excursions, and percentage of the COM data showing excursions from the indicator range in each calendar quarter.

c) The permittee shall maintain the results of all compliance tests.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Specific Reporting Requirements:

The permittee shall report the number of excursions above the indicator range, date and time of excursions, opacity value of the excursions, and percentage of the COM data showing excursions from the indicator range in each calendar quarter.

7. Specific Control Equipment Operating Conditions:

a) The mechanical collectors and electrostatic precipitator shall be operated as necessary to maintain compliance with the permitted emission limitations, in accordance with the manufacturer's specifications and / or good engineering practices.

b) Records regarding the maintenance of the control equipment shall be maintained.

c) See Section E for further requirements.

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

None

10. Compliance Schedule:

None

11. Compliance Certification Requirements:

See Section F.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 03 (EP-3) Diesel Generator

Description:

Number two fuel-oil fired unit
Rated Capacity: 1630 HP
Construction commenced: 1949

Applicable Regulations:

The affected facility is not subject to any applicable regulations.

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of fuel usage.

5. Specific Record Keeping requirements:

The permittee shall maintain the records of amount of fuel usage.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

9. Alternate Operating Scenarios:

None

10. Compliance Schedule:

None

11. Compliance Certification Requirements:

See Section F.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 04 (EP-4) Diesel Generator

Description:

Number two fuel-oil fired unit
Rated Capacity: 1630 HP
Construction commenced: 1949

Applicable Regulations:

The affected facility is not subject to any applicable regulations.

1. Operating Limitations:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of fuel usage.

5. Specific Record Keeping requirements:

The permittee shall maintain the records of amount of fuel usage.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

None

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

9. Alternate Operating Scenarios:

None

10. Compliance Schedule:

None

11. Compliance Certification Requirements:

See Section F.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Emissions Unit: 05 (EP-5) Coal Conveying and Handling

Description:

Equipment includes: receiving hopper, conveyors, coal crusher, and stockpile.

Operating Rate: 200 tons/hour.

Construction commenced: 1968

Applicable Regulations:

Regulation 401 KAR 63:010, Fugitive emissions

Applicable Requirements:

a) Pursuant to Regulation 401 KAR 63:010, Section 3, reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, when applicable, but not be limited to the following:

1. Application and maintenance of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which can create airborne dusts;
2. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials, or the use of water sprays or other measures to suppress the dust emissions during handling;

b) Pursuant to Regulation 401 KAR 63:010, Section 3, discharge of visible fugitive dust emissions beyond the property line is prohibited.

1. Operating Limitation:

None

2. Emission Limitations:

None

3. Testing Requirements:

None

4. Specific Monitoring Requirements:

The permittee shall monitor the amount of coal received and processed.

SECTION B EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Record Keeping Requirements:

The permittee shall maintain the records of coal received and processed.

6. Specific Reporting Requirements:

See Section F.

7. Specific Control Equipment Operating Conditions:

a) The control equipment shall be operated as necessary to maintain compliance with applicable requirements, in accordance with manufacturer's specifications and / or good engineering practices.

b) Records regarding the maintenance of the control equipment shall be maintained.

c) See Section E for further requirements.

8. State-Origin Requirements:

a) Operating Limitations:

None

b) Emission Limitations:

None

9. Alternate Operating Scenarios:

None

10. Compliance Schedule

None

11. Compliance Certification Requirements

See Section F.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

1. No. 2 fuel oil tanks (maximum size is 16,000 gallons)
2. Lube oil tanks
3. Chemical feed tanks
4. Maintenance shop degreaser

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. Particulate, sulfur dioxide, and visible (opacity) emissions, as measured by methods referenced in Regulation 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to Regulation 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice as well as in accordance with manufacturer's specifications for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a) Date, place as defined in this permit, and time of sampling or measurements;
 - b) Analyses performance dates;
 - c) Company or entity that performed analyses;
 - d) Analytical techniques or methods used;
 - e) Analyses results; and
 - f) Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. The permittee shall allow the Division or authorized representatives to perform the following:
 - a) Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b) Have access to and copy, at reasonable times, any records required by the permit:
 - i) During normal office hours, and
 - ii) During periods of emergency when prompt access to records is essential to proper assessment by the Division;
 - c) Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency; and
 - d) Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - i) During all hours of operation at the source,
 - ii) For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii) During an emergency.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

4. No person shall obstruct, hamper, or interfere with any Division employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Division's Owensboro Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of Regulation 401 KAR 59:005, General Provisions, Section 3. All reports shall be certified by a responsible official pursuant to Section 6 (1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a) In accordance with the provisions of Regulation 401 KAR 50:055, Section 1, the owner or operator shall notify the Division for Air Quality's Owensboro Regional Office concerning startups, shutdowns, or malfunctions as follows:
 - i) When emissions during any planned shutdowns and ensuing startups will exceed the standards, notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - ii) When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b) In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions to the Division for Air Quality's Owensboro Regional Office. Prompt reporting shall be defined as quarterly for any deviation related to emission standards (other than emission exceedances covered by general condition 6(a) above) and semi-annually for all other deviations from the permit requirements if not otherwise specified in the permit.
7. The permittee shall certify compliance (DEP7007CC) with the terms and conditions contained in this permit, annually on the permit issuance anniversary date to the Division for Air Quality's Owensboro Regional Office and the U. S. EPA in accordance with the following requirements:
 - a) Identification of each term or condition of the permit that is the basis of the certification;
 - b) The compliance status regarding each term or condition of the permit;
 - c) Whether compliance was continuous or intermittent; and

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

- d) The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7 (1) (c), (d), and (e);
 - e) The certification shall be postmarked by the 30th day following the applicable permit issuance anniversary date.
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION G - GENERAL CONDITIONS

a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be (a) violation(s) of State Regulation 401 KAR 50:035, Permits, Section 7 (3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and are grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. In accordance with Regulation 401 KAR 50:035, Section 7(3)(f), the filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a) If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12 (2) (c);
 - b) If any additional applicable requirements of the Acid Rain Program become applicable to the source;
 - c) The Division or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - d) The Division or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the Division, in writing, information that the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit.

SECTION G - GENERAL CONDITIONS (CONTINUED)

5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
6. In accordance with Regulation 401 KAR 50:035, Section 7(3)(e), the permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance.
7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in Regulation 401 KAR 50:038, Section 3(6).
9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance.
10. This permit shall not convey property rights or exclusive privileges.
11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
12. Nothing in this permit shall alter or affect the authority of the U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
13. Nothing in this permit shall alter or affect the authority of the U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
14. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the emissions units listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
15. The permittee may conduct test burns of materials other than those listed in the permit without a construction permit or a reopening of this permit provided that:
 - a) Notification is provided to the Division at least 30 days prior to initiation of the test burning of the material;
 - b) The source complies with all applicable regulations and emission limitations;
 - c) The permittee agrees to perform such additional testing as may be required by the Division;

SECTION G - GENERAL CONDITIONS (CONTINUED)

16. The permanent burning of any material (addressed in above condition) shall be allowed upon completion of testing provided that:
 - a) The Division determines that a permit is not required. Such determination shall be made within sixty (60) days of the application receipt along with the test results;
 - b) The permittee keeps records of date and time of burn;
 - c) The permittee keeps records of analysis and feed rate of material;
 - d) Burning any of those materials shall not be subject to any new applicable regulation and the source shall comply with all applicable regulation and emission limitations.
17. Fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.
18. Emission limitations listed in this permit shall apply at all the times except during periods of startup, shutdown, or malfunctions in accordance with Regulation 401 KAR 50:055, as long as the permittee follows the requirements of Regulation 401 KAR 50:055.
19. Pursuant to Section VII 2(1) of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort Central Office. Pursuant to Regulation 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test.
20. All previously issued construction and operating permits are hereby null and void.

b) Permit Expiration and Reapplication Requirements

1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, all the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date until the renewal permit is issued or denied by the Division.

c) Permit Revisions

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.

SECTION G - GENERAL CONDITIONS (CONTINUED)

2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

d) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.
2. The source shall comply with all requirements and conditions of the Title IV, Acid Rain Permit(s) issued for this source.

e) Emergency Provisions

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - i) An emergency occurred and the permittee can identify the cause of the emergency;
 - ii) The permitted facility was at the time being properly operated;
 - iii) During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - iv) The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of Regulation 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (e)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

SECTION G - GENERAL CONDITIONS (CONTINUED)

f) Risk Management Provisions under CAA 112(r)

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
 - a) Submit a Risk Management Plan to the U. S. EPA, Region IV with a copy to this Division and comply with the Risk Management Program by June 21, 1999 or a latter date specified by the U.S. EPA.
 - b) Submit additional relevant information if requested by the Division or the U.S. EPA.

g) Ozone Depleting Substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a) Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b) Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c) Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d) Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e) Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f) Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H ALTERNATE OPERATING SCENARIOS

None

SECTION I COMPLIANCE SCHEDULE

None